

ANNUAL REPORT 1991-92

ONTARIO LAW REFORM COMMISSION



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ONTARIO LAW REFORM COMMISSION



The Ontario Law Reform Commission was established by the Ontario Government in 1964 as an independent legal research institute. It was the first Law Reform Commission to be created in the Commonwealth. It recommends reform in statute law, common law, jurisprudence, judicial and quasi-judicial procedures, and in issues dealing with the administration of justice in Ontario.

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This Report is also available in French.



**Ontario
Law Reform
Commission**

To The Honourable Howard Hampton
Attorney General for Ontario

Dear Attorney:

We have the honour to present the 1991-92 Annual Report of the Ontario Law Reform Commission, for the period ending March 31, 1992, in accordance with section 2(3) of the *Ontario Law Reform Commission Act*, R.S.O. 1990.

Rosalie S. Abella
Chair

Richard E. B. Simeon
Vice Chair

Earl A. Cherniak
Commissioner

John D. McCamus
Commissioner

Margaret A. Ross
Commissioner

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INTRODUCTION

This report outlines the activities of the Ontario Law Reform Commission for the year ending March 31, 1992. As it happens, it also presents a personal opportunity to thank the Commission for an extraordinary term as its Chair for the past three years. Being appointed to the Bench transforms my relationship with the O.L.R.C. from anxious producer to eager client; but it affects my loyalty to the Commission and its goals not one bit.

If anything, my sense that Law Reform Commissions are vital institutional contributors to legal policy has grown with time and exposure. They are natural partners with governments in the development of reform visions, but they also enjoy a perspective not usually available to day-to-day governors. They are neither constrained by the urgencies of the moment nor inhibited by the caution the search for early and wide approval inspires.

This is not to suggest that Law Reform Commissions have no duty to be relevant, practical, or careful. It suggests instead that our definition of what is relevant, practical, and careful has a different perimeter when measuring the boundaries of work produced by think tanks. Whether temporally, substantively or conceptually, these institutions can – and should – think about issues of law and policy for which governments have no time, appetite, courage or immediate need.

Issues too large, too small, too contentious or too embryonic for the government of the day, may nonetheless be issues in need of public policy analysis and potential reform. By their nature, such issues are best examined by skilled institutions which are committed to the public and to policy, while at the same time independent of the governments or agitations of the day.

Law Reform Commissions are such institutions, ready to have their work tested by time, not immediate legislative response, and with the time to generate the menu of ideas from which generations of legislators, lawyers, academics, judges, journalists, civil servants, analysts, and thinkers – all members of the community – choose their policy nourishment. Their value lies in the public and private debate their work intellectually subsidizes, not only in the number of statutes their formulations encourage. Their importance is in their capacity to broker and inspire and spotlight ideas of public value. And it is the quality of those ideas that should determine relevance, measured not against idiosyncratic or ideological or sectoral concerns, but against time and the public interest.

It is for all these reasons that the Ontario Law Reform Commission created a broadly based Advisory Board, developed monthly multi-disciplinary Roundtable Discussions on Law and Social Policy, expanded its research agenda to include more public law issues, and issued a wider variety of research publications. This represents considerable change in a relatively short period of time, but it by no means represents the conclusion of the evolution that started so brilliantly in 1964 when Ontario established the first Law Reform Commission in the Commonwealth.

It is a Commission that has radiated from the talents of dozens of committed staff lawyers and Commissioners over the years. But it is hard to imagine 'a more collegial, congenial and dedicated group of people than those I have had the privilege of working with over the past three years. A particularly grateful sentiment is owed to Richard Simeon, the Political Scientist and Vice-Chair who co-designed the Commission's programme and helped implement it with enthusiasm and generosity; and to our fellow Commissioners—Rob Prichard, Margaret Ross, Earl Cherniak and John McCamus—who created the machinery to carry out the vision and provided the fuel. It is a great group of people in service of a great Commission.

During the past year we have completed four major reports, a collection of papers, and a compilation of the Commission's recommendations.

The *Report on Exemplary Damages* was tabled in the Ontario Legislature on June 27, 1991. The *Report on Child Witnesses* was tabled on July 25, 1991. Also tabled were the *Report on Testing for AIDS* and the *Report on Public Inquiries*, on March 12, 1992, and March 30, 1992, respectively.

In addition to these reports, the Commission released a collection of papers on the judicial role and judicial appointments, entitled *Appointing Judges: Philosophy, Politics and Practice*, as well as a three volume reference work containing a summary of the recommendations made by the Commission since its inception.

Finally, the Commission initiated a series of Roundtable discussions to examine various issues in law and social policy reform, discussed in Appendix C.

THE PROGRAM

A. COMPLETED PROJECTS

Appointing Judges: Philosophy, Politics and Practice

When the Meech Lake Accord gave the provinces the right to submit lists of candidates from which an appointment to the Supreme Court of Canada would be made, the Ontario Law Reform Commission embarked on a project on judicial appointment under the direction of Dean John Whyte, of Queen's University's Faculty of Law. The purpose of the project was to define a process and set of criteria to assist the Government of Ontario in choosing the best candidates.

The Accord was never ratified and the project accordingly lost its immediate rationale. But the question of how to select candidates not only to the Supreme Court, but also to all levels of the judiciary, remains an issue of increasing public interest. The *Canadian Charter of Rights and Freedoms* was probably the greatest stimulus to public attention on the judiciary and its membership. Although judges had always, through their interpretive role, played a role in the development of public policy, the constitutional entrenchment of the Charter transformed the role from a penultimate to an authoritative one. And this in turn focused public scrutiny on judges, the people now empowered to make final judgments about the state's capacity to legislate.

As this collection of papers demonstrates, these developments have heightened public interest not only in the judicial role, but in the qualifications of the people who execute the office. The very meanings of judicial neutrality, competence, and even omniscience have undergone critical reassessment, as have the processes that result in judicial appointment. Respect for judicial independence has been enhanced, as it should be, but so has the demand that the process of selection itself enjoy independence from the vagaries of politics. A more representative judiciary, more sensitive to the pluralistic and diverse values enshrined in the Charter and manifest in our changing society, is intensely urged.

Courts and judges have become the definers and guardians of the relationships between citizen and state set out in the Charter and they have become integral elements within the policy process. In a society of diverse interests and competing values, impartiality is increasingly understood not as a reflection of the status quo, but as a capacity to be genuinely open to the pluralistic views and people Canada represents. No longer are the traditional judicial attributes of knowledge, common sense, civility, and experience

sufficient. Judicial decision-making is not the mechanical application of law and precedent to sets of facts. The legitimacy of the judges, and their effectiveness in playing the complex roles we have assigned them, depend on the openness and fairness of their selection, and on their sensitivity to the society which they serve and from which they come.

This volume is designed to explore just these issues. It represents an innovation in publications of the Ontario Law Reform Commission. It does not contain a set of recommendations. Instead, it consists of research and reflection on various aspects of judicial selection, embracing the varied points of view of a number of noted scholars responding to questions posed by the Commission. The broad issues explored in this volume – from philosophical questions about the role of courts in our society, to questions about representation and accountability, and to the specific procedures which might institutionalize and guarantee the values to be achieved in judicial selection – do not easily make for precise recommendations. Rather, with this volume, the Commission is, in accordance with its mandate, hoping to stimulate discussion on a legal issue of fundamental concern to the public.

Neither the Commission nor the authors make conclusive proposals for a particular process of judicial selection; but all endorse wholeheartedly an independent, representative judiciary, however selected, which is fully responsive to the dynamism of the law and the needs of the public it serves.

Exemplary Damages

In its *Report on Exemplary Damages*, the Ontario Law Reform Commission seeks to accomplish two main objectives. First, it seeks to respond to the arguments made in recent years suggesting that exemplary or punitive damages have contributed to a crisis in the operation of the tort law system, and to the so-called “insurance crisis”. Second, it seeks to rationalize the theoretical basis of exemplary damages, to assist in ensuring that they are awarded in accordance with clearly articulated principles.

Exemplary damages are awarded primarily to deter and punish the defendant for reprehensible conduct. Over the past several years, a great deal of concern has been expressed that exemplary damages have contributed to a perceived crisis in the operation of both the tort system, and the insurance industry. The specific concerns expressed include the following: (1) that exemplary damages are being claimed, and awarded, much more frequently than they were in the past; (2) that they are being claimed, and awarded, in cases involving increasingly diverse causes of action; (3) that they are being awarded in larger amounts than they once were; (4) that they are

being awarded in cases in which they are not justified, or in excessive amounts; and (5) that spurious claims for exemplary damages may have an undesirable effect on the settlement process, by coercing defendants to settle claims, or settle claims for higher amounts, than they would otherwise.

In order to investigate these concerns, and to develop a statistical foundation for this report, an empirical study was undertaken on behalf of the Commission. On the basis of this and other research conducted in connection with the report, the Commission concludes that there is no evidence of a "crisis" caused by the existing law of exemplary damages. The Commission also concludes that, given the existing legal principles in Ontario, it is unlikely that such a crisis would occur here.

The Commission does, however, make a number of recommendations for reform of the law of exemplary damages, designed to provide a clear, consistent and rational basis for such damages. In order to accomplish this objective, the Commission adopts a functional approach, isolating the three functions, or rationales, typically advanced to justify the award of exemplary damages: (1) compensation; (2) punishment; and (3) deterrence.

The Commission attempts to clarify the present law by making the goals sought to be achieved by an award of exemplary damages more explicit, and by identifying specifically the policy goals to which exemplary damages ought to be required to respond.

Chapter 2 summarizes the present law of exemplary damages in Canada, England, and the United States. It also contains a discussion of some of the significant differences between the law in Canada and the United States. Chapter 3 provides an outline of the arguments ordinarily advanced for and against the award of exemplary damages. The empirical information available about exemplary damages in Ontario and the United States is summarized in chapter 4.

One obvious approach suggested by the functional analysis adopted by the Commission is to exclude entirely the compensatory function from exemplary damages. The courts have already attempted to isolate the compensatory function by distinguishing aggravated damages from exemplary damages. Traditionally, aggravated damages compensate the plaintiff for injuries to pride and dignity resulting from the defendant's exceptional conduct, while exemplary or punitive damages are intended to punish and deter the defendant. Therefore, the analysis in chapter 5 begins not with exemplary damages, but with aggravated damages. The Commission recommends that injuries to pride and dignity should be compensated according to ordinary compensatory principles. Specifically, the Commission recommends that the court should be empowered to award compensatory

damages for injuries to pride and dignity as part of the ordinary global award of damages for non-pecuniary loss, and that such damages should be available without proof of exceptional conduct. Our recommendations are designed to distinguish more sharply the compensatory function from deterrence and punishment, and so to clarify the subsequent analysis of exemplary damages.

Chapter 6 deals with the general case for exemplary damages as a supplement to the criminal law. Historically, the primary function of exemplary damages has been punishment, and the Commission recommends that it remain so. The Commission endorses the concept of civil punishment in exceptional cases as a supplement to the criminal law, and supports the symbolic function of punitive damages. It recommends that exemplary damages for the purpose of punishment should continue to be available in Ontario, and should be referred to as “punitive damages”, a term deliberately adopted to convey more accurately the purpose of the award.

The Commission further recommends that punitive damages should be awarded only where the defendant has advertently committed a wrongful act deserving of punishment, and where the defendant’s conduct was exceptional. It also recommends that the size of an award of punitive damages should be proportionate to the gravity of the act deserving of punishment. Finally, the Commission makes proposals respecting a variety of issues, including the quantification of punitive damages, the burden of proof, vicarious liability, concurrent wrongdoers, and the survival of claims.

In chapter 7 the Commission deals with an aspect of “tort for profit”, and recommends that where a plaintiff chooses the remedy of restitution, rather than suing in tort, he or she should also be entitled to claim punitive damages.

In chapter 8, special issues that pertain to negligence, nuisance, and equitable wrongs are discussed. The Commission recommends that punitive damages should be available, in accordance with the earlier proposals, in these cases. In chapter 9 the Commission considers the unique case for imposing punitive damages on statutory public authorities, and recommends that public authorities should remain independently liable for punitive damages where they knowingly exceed their legal authority and injure another tortiously. Finally, in chapter 10, the Commission discusses extra damages in contract, and concludes that it would be premature to make recommendations for reform in this context.

Child Witnesses

In the *Report on Child Witnesses*, the Ontario Law Reform Commission attempts to achieve three principal objectives: (1) to challenge the assumptions on which many of our legal rules are based regarding the unreliability of children's evidence; (2) to encourage the Legislature to repeal legal rules which impede child witnesses from telling the court what they witnessed; and (3) to introduce protective devices into the legal system to ensure that the court receives as complete, coherent and accurate an account as possible from the child witness. The report demonstrates that many of the common law and statutory rules applicable to child witnesses are based on erroneous notions about the unreliability of children's testimony. Psychological studies conducted in the last twenty years show that the traditional views about children's evidence lack empirical foundation. The current research clearly indicates that children do have adequate cognitive skills to understand or to describe what they have witnessed, children can differentiate fact from fantasy, and children have an ethical sense and are no more likely to fabricate evidence than are adults.

The Commission recommends that the oath be abolished and that it be replaced with a promise to tell the truth. The rules in the Ontario *Evidence Act* have made it extremely difficult for children to be qualified as witnesses with the result that judges may be deprived of hearing potentially valuable evidence. The Commission's view is that the oath requirement is essentially a test of religious understanding rather than a test of the child's ability to understand the importance of being truthful. The transformation of Ontario from a religious to a largely secular society further accentuates the inappropriateness of the oath.

The Commission proposes that the provision in the *Evidence Act* requiring corroboration of a child's unsworn evidence be repealed. In addition, the Commission recommends that there be no rule of any kind that requires a court to assume that the uncorroborated evidence of a child is unreliable. The Commission makes these recommendations for the following reasons. First, there is no scientific basis for assuming that a child is incapable of furnishing reliable evidence. Second, there is often no direct evidence, either physical or eyewitness, to corroborate the child's testimony. A further reason for the abolition of these legal rules is that it is unreasonable and unfair to have such restrictive evidentiary rules for children and not for adult witnesses.

Reform of the hearsay rule for the statements of children is another important recommendation in the report. In many cases, the hearsay evidence of the child is the best evidence of the subject matter being litigated

and constitutes the only substantive evidence of the subject of the proceedings. The Commission recommends that the hearsay statements of a child be admissible, if, in the opinion of the judge, the statements are sufficiently reliable. The court can then assess the weight to be accorded to the child's out-of-court statements. The Commission believes that this recommendation will introduce clarity into the law and will permit what may be extremely reliable evidence to be considered by the courts.

In the final section of the report, the Commission proposes that legislation should be introduced which accommodates children who give evidence in civil proceedings. The vulnerability of child witnesses should be acknowledged and the manner in which children give evidence modified accordingly. Legislation which authorizes videotaped testimony and which permits child witnesses to testify behind a screen or by closed-circuit television will help ensure that reliable evidence is presented and heard. Children should be protected in the court process in order to tell their story as easily, accurately and comprehensively as possible.

Testing for AIDS

In its *Report on Testing for AIDS*, the Ontario Law Reform Commission recommends that any HIV-related test be performed only with an individual's voluntary, specific, and informed consent. HIV-related tests are different from most standard blood tests because of the personal, social, and financial consequences of being identified as HIV-infected. In the absence of an effective treatment, and in the presence of a stigmatizing social understanding of AIDS and HIV infection, the most successful efforts to reduce the spread of infection should focus upon the public health strategy of encouraging individuals at risk to determine their serological status voluntarily, and to engage in risk-reducing behaviour. In the Commission's view, targeted public health education campaigns and programs, coupled with wide availability of voluntary HIV antibody testing, are the most effective means currently available to reduce HIV transmission. The Commission therefore opposes mandatory HIV-related testing programs, other than in relation to the use of blood or tissue donations or anonymous screening for research or epidemiological purposes.

The Commission believes that stringent confidentiality protection for all HIV-related information is essential not only to prevent the serious consequences that can arise from unwarranted disclosure, but also to encourage people at risk to come forward and to determine their HIV status voluntarily. Protection of information pertaining to HIV-related testing and treatment promotes society's interest in individual privacy and the public

health without impairing the community's right to be protected from the spread of disease. Accordingly, the Commission recommends that individuals should be able to test for HIV infection without being personally identified. Significant non-identifying medical and demographic information should continue to be reported to public health authorities.

The Commission views a well-functioning, voluntary, physician-centred partner notification scheme as an important part of sound HIV public health policy. The Commission proposes the implementation of a physician-centred program of partner notification, that would encourage patients to cooperate with their personal physicians in notifying partners. Under precisely defined guidelines, doctors should be able to notify identifiable, unsuspecting partners of HIV-infected patients who are at significant risk of infection. The Commission further proposes that both doctors and patients be given the option to seek the assistance of public health authorities in the notification process and that doctors who do notify partners should be protected against the potential for liability resulting from such responsibilities.

Finally, to ensure that HIV-related issues are dealt with in the most comprehensive manner possible, the Commission recommends the enactment of legislation, preferably an HIV-specific statute, to govern all substantive rules respecting HIV-related testing and the confidentiality of HIV-related information.

Public Inquiries

In its *Report on Public Inquiries*, the Ontario Law Reform Commission concludes that, while public inquiries should be retained, the law governing them should be reformed to protect individuals. Public inquiries have played an important role in the history of both the province and the country as a whole. Although their impact is difficult to judge, they have often dealt with the pressing concerns and controversies of the day, as well as many aspects of the longer term policy agenda. Public inquiries have become an important part of government, distinct from the Legislature, the executive, and the judiciary. However, the activities of two recent Ontario public inquiries have been shaped, and in one case terminated, by judicial proceedings raising questions about the utility and fairness of public inquiries.

The Commission observes that there are, in effect, two kinds of public inquiry; those dealing primarily with policy formulation, and those investigating wrong-doing. It is the latter kind of inquiry that impacts most seriously on a person's rights, and will therefore be most affected by the Commission's reform proposals.

In order to respond to concerns that have been expressed regarding public inquiries, the Commission makes a number of recommendations designed to minimize the prejudice and unfairness that results from the public inquiry process, without impairing the execution of their mandates. The Commission recommends, for example, that, subject to certain exceptions, everyone summoned to testify before a public inquiry should have a statutory right to refuse to testify on the grounds that such testimony might incriminate him or her. The Commission also recommends that where an inquiry believes that a person will be subject to serious allegations of misconduct in public proceedings of the inquiry, the inquiry should give the person notice of such allegations, and that a person receiving such a notice should have a right to respond.

The Commission also makes a number of recommendations that will recognize and protect the independence of public inquiries from the executive and the Legislature, facilitate public involvement, and enhance the effectiveness and efficiency of public inquiries, while respecting the need for fairness, independence and participation. Thus, the Commission recommends that if within thirty days of its delivery to the Lieutenant Governor in Council a commission's report has not been tabled in the Legislature or released to the public, the commission should have the right to release the report. The Commission further recommends that any individual or organization with a genuine interest in any matter relating to the subject matter of an inquiry should be entitled to make submissions.

The report consists of six chapters. In chapter 1 the Commission traces the development of the public inquiry as an important instrument of government in Canada and examines the policy role of public inquiries in comparison to alternative institutions.

In chapter 2 the Commission examines the present law of public inquiries in Ontario, including the statutory criteria for the appointment of inquiries, the drafting of an inquiry's terms of reference, the selection of commissioners, the independence of inquiries to conduct their own proceedings and release their own report, the procedure and evidentiary rules governing the conduct of inquiries (including the publicity and openness of hearings, standing, and notice), and the procedures for judicial review.

Chapter 3 deals with public inquiries and the Constitution. The first part of this chapter deals with the limits of Ontario's jurisdiction under the division of powers to appoint and conduct public inquiries. The second part of the chapter examines the effect of the legal rights in sections 7 and 13 of the Charter on the conduct of inquiries. Particular attention is paid to their effect on the powers in the Public Inquiries Act to summon and compel

testimony from individuals and the production of documents and other evidence.

In chapter 4 the case for reform is set out. This chapter includes a discussion of the criticisms that have been made of public inquiries. It also includes a discussion of the classification schemes that have been advanced, particularly the suggested distinction between advisory and investigative inquiries, as well as the various critiques that have been made of this distinction.

In chapter 5 certain law reform proposals and legislation of a number of other jurisdictions are surveyed.

Finally, in chapter 6, the major options for reform are outlined, as are the general principles that should guide reform.

Summary of Recommendations

This three volume work summarizes the Ontario Law Reform Commission's reports and recommendations since the Commission was created by the Ontario government in 1964. It is intended to make the work of the Commission more accessible to the public and to those interested in legal policy. This will be an ongoing service as reports are released.

B. PROJECTS IN PROCESS

Adjudication of Workplace Disputes

This project is being directed by Professor Bernard Adell, of the Faculty of Law, Queen's University. The purpose is to see whether, in structure and process, the adjudication of workplace disputes is taking place as effectively and expeditiously as possible.

In its project, the Commission will examine the following: Labour Relations Board; grievance arbitration; *Employment Standards Act* referees; appeals conducted by the Director of Appeals under the *Occupational Health and Safety Act*; *Ontario Human Rights Code* boards of inquiry; the Pay Equity Commission; the Ontario Public Service Labour Relations Tribunal; and the Grievance Settlement Board.

In addition, the Commission's study will examine whether aspects of administrative law are in need of reform as they relate to workplace disputes adjudication.

The Law of Testing: Drug and Alcohol; Genetic and Psychological Testing

The Ontario Law Reform Commission has embarked on four studies of the law of testing. The Commission's *Report on AIDS Testing* was released during the year. The Commission continues to examine the areas of drug and alcohol, genetic, and psychological testing in a number of different contexts, like the workplace, schools, and other institutional settings. The projects will consider when and how to balance an individual's right to privacy and the public's right to information.

Coroners' Inquests

Originally, the Commission initiated a project on both inquiries under the *Public Inquiries Act* and inquests under the *Coroners Act*. Subsequently, however, it was decided to publish separate reports. Our *Report on Public Inquiries* was released during the past year, and work continues on the project on coroners' inquests. The project will examine the tension between pursuit of the public interest and, under certain circumstances, the protection of persons suspected of wrongdoing. The project Director is Professor Allan Manson, of the Faculty of Law, Queen's University.

Charities

Following a reference from the Attorney General, the Commission commenced a study of the law of charities in Ontario. The Project Director is Professor David Stevens, of the Faculty of Law, McGill University.

In this project, the Commission is examining the status, legal form, sources and uses of revenue, and supervision of charities. Among the specific issues canvassed are the following: (1) the type of activity that should benefit from the advantages accorded to charities; (2) whether organizations aimed at accomplishing political purposes should be considered charitable; (3) whether it is appropriate that charities be created by means of different legal forms (trusts, corporations, and unincorporated associations); (4) whether the investment powers of charities should be subject to restriction; (5) whether charities should be entitled to own for-profit organizations or to carry on

business directly; (6) whether charitable fundraising activities should be controlled; and (7) who should be responsible for regulating charities, and by what means.

Basic Principles of Land Law

Three research papers, containing recommendations for reform of the basic principles of land law, have been prepared and considered by the Commission over the course of the project. Professor T.G. Youdan, of Osgoode Hall Law School, York University, has been retained to prepare a report to the Commission dealing with future interests, co-ownership, and easements.

Equity and Equality

This study paper will explore the interrelationship between the concept of equality and special equity programs. Recently, there has been a series of legal challenges to programs aimed at redressing various forms of systemic discrimination. These cases have involved the interpretation of section 15(2) of the *Canadian Charter of Rights and Freedoms* and/or the exemption provisions for special programs in human rights legislation. One of the major sources of confusion derives from continued adherence to a formal understanding of equality that conceptualizes equity programs as exceptions rather than expressions of equality.

This study paper is being prepared by Professor Colleen Sheppard, of the Faculty of Law, McGill University.

Powers of the Ontario Film Review Board

The project will focus on the approval and classification powers of the Ontario Film Review Board pursuant to Ontario's *Theatres Act*. It will briefly examine the history of the Board, within the context of the broader historical evolution of film classification and censorship in Canada and other jurisdictions. It will discuss the purposes animating the institution and continuation of the Board, and analyze whether these purposes are met by both the theory and practices of the Board. A constitutional analysis of the Board's approval and classification functions will also be undertaken. The report will conclude with proposals for reform to the Act as necessary.

The Retroactive Operation of Judgments

The recent decision of the Supreme Court of Canada in *De Savoye v. Morguard Investments Ltd.* changed the law relating to the enforcement of foreign judgments. The British Columbia Supreme Court in *Clarke v. Lo Bianco* reinforced the Supreme Court's decision, but in doing so, highlighted a problem implicit in the decision. In this project, the Commission examines the issue of the retroactive operation of judgments. At issue is the hardship that might be caused to a defendant because of a change in the law occurring after reasonable reliance was placed on the previous law. The study will consider the range of possible responses to the problem, including statutory directions, judicially developed suggestions, and tools such as special costs rules. The Project Director is John Swan, of the Ontario Bar.

APPENDIX A

REPORTS OF THE ONTARIO LAW REFORM COMMISSION

Title	Date of Report
Report No. 1 [The Rule Against Perpetuities]	1965
Report No. 1A: The Perpetuities Act, 1965 [Supplementary Report on the Rule Against Perpetuities]	1966
Report No. 2 [The Wages Act: Assignment of Wages]	1965
Report No. 3 on Personal Property Security Legislation	1965
Report No. 3A on Personal Property Security Legislation	1966
Report on The Evidence Act: Admissibility of Business Records	1966
Report on The Mechanics' Lien Act	1966
Supplementary Report on The Mechanics' Lien Act	1967
Report on the Proposed Extension of Guarantor's Liability on Construction Bonds	1966
Report on The Execution Act: Exemption of Goods from Seizure	1966
Report on the Law of Condominium	1967
Report on the Basis for Compensation on Expropriation	1967
Report on the Limitation Period for Actions under The Sandwich, Windsor and Amherstburg Railway Act, 1930	1968
Annual Report 1967	1968
Report on Certain Aspects of the Proposed Divorce Legislation Contained in Bill C-187	1968
Report on the Proposed Adoption in Ontario of The Uniform Wills Act	1968
Report on The Protection of Privacy in Ontario	1968
Report on Section 183 of The Insurance Act	1968
Report on Trade Sale of New Houses	1968
Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies	1968

Title	Date of Report
Report on the Limitation of Actions	1969
Second Annual Report 1968	1969
Report on the Age of Majority and Related Matters	1969
Report on the Status of Adopted Children	1969
Report on Family Law, Part I: Torts	1969
Report on Section 20 The Mortgages Act	1970
Report on Family Law, Part II: Marriage	1970
Third Annual Report 1969	1970
Report on Actions Against Representatives of Deceased Persons	1970
Report on the Coroner System in Ontario	1971
Report on Sunday Observance Legislation	1971
Report on Land Registration	1971
Fourth Annual Report 1970	1971
Report on The Change of Name Act	1971
Report on The Mortgages Act, Section 16	1971
Report on Development Control	1971
Report on Powers of Attorney	1972
Report on Occupiers' Liability	1972
Report on Consumer Warranties and Guarantees in the Sale of Goods	1972
Report on Review of Part IV of The Landlord and Tenant Act	1972
Fifth Annual Report 1971	1972
Report on the Non-Possessory Repairman's Lien	1972
Report on the Administration of Ontario Courts, Part I	1973
Sixth Annual Report 1972	1973
Report on the Administration of Ontario Courts, Part II	1973
Report on Family Law, Part III: Children	1973
Report on The Solicitors Act	1973
Report on Motor Vehicle Accident Compensation	1973
Report on the Administration of Ontario Courts, Part III	1973
Report on Family Law, Part IV: Family Property Law	1974

Title	Date of Report
Report on Family Law, Part V: Family Courts	1974
Seventh Annual Report 1973	1974
Report on the International Convention Providing a Uniform Law on the Form of the International Will	1974
Eighth Annual Report 1974	1975
Report on Family Law, Part VI: Support Obligations	1975
Report on Mortmain, Charitable Uses and Religious Institutions	1976
Report on Landlord and Tenant Law	1976
Report on the Law of Evidence	1976
Ninth Annual Report 1975	1976
Report on Changes of Name	1976
Report on the Impact of Divorce on Existing Wills	1977
Tenth Annual Report 1976	1977
Eleventh Annual Report 1977	1978
Report on Sale of Goods	1979
Twelfth Annual Report 1978	1979
Report on Products Liability	1979
Thirteenth Annual Report 1979	1980
Report on the Enforcement of Judgment Debts and Related Matters, Part I	1981
Report on the Enforcement of Judgment Debts and Related Matters, Part II	1981
Report on the Enforcement of Judgment Debts and Related Matters, Part III	1981
Fourteenth Annual Report 1980-81	1981
Report on Witnesses Before Legislative Committees	1981
Report on Class Actions	1982
Fifteenth Annual Report 1981-82	1982
Report on the Enforcement of Judgment Debts and Related Matters, Part IV	1983
Report on the Enforcement of Judgment Debts and Related Matters, Part V	1983
Report on Powers of Entry	1983
Sixteenth Annual Report 1982-83	1983
Report on the Law of Trusts	1983
Seventeenth Annual Report 1983-84	1984

Title	Date of Report
Report on Human Artificial Reproduction and Related Matters	1985
Twentieth Anniversary Report 1984-85	1985
Twenty-First Annual Report 1985-86	1986
Report on Political Activity, Public Comment and Disclosure by Crown Employees	1986
Report on Amendment of the Law of Contract	1987
Report on the Law of Mortgages	1987
Twenty-Second Annual Report	1987
Report on Compensation for Personal Injuries and Death	1987
Report on Contribution Among Wrongdoers and Contributory Negligence	1988
Report on Timesharing	1988
Twenty-Third Annual Report 1987-88	1988
Study Paper on Wrongful Interference with Goods	1989
Report on the Law of Standing	1989
Report on Covenants Affecting Freehold Land	1989
Report on Liability of the Crown	1989
Report on Damages for Environmental Harm	1990
Report on the Basis of Liability for Provincial Offences	1990
Report on Administration of Estates of Deceased Persons	1991
Report on Exemplary Damages	1991
1991 Ontario Law Reform Commission Report	1991
Appointing Judges: Philosophy, Politics and Practice	1991
Report on Child Witnesses	1991
Report on Testing for AIDS	1992
Report on Public Inquiries	1992
Summary of Recommendations	1992
Annual Report 1991-92	1992

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APPENDIX B

IMPLEMENTATION OF THE REPORTS OF THE ONTARIO LAW REFORM COMMISSION

Title	Date of Report	Original Legislation Concerning Commission Proposals
Report No. 1 [The Rule Against Perpetuities]	1965	<i>The Perpetuities Act, 1966,</i> S.O. 1966, c. 113
Report No. 1A: The Perpetuities Act, 1965 [Supplementary Report on the Rule Against Perpetuities]	1966	<i>do.</i>
Report No. 2 [The Wages Act: Assignment of Wages]	1965	<i>The Wages Amendment Act,</i> 1968, S.O. 1968, c. 142
Report No. 3 on Personal Property Security Legislation	1965	<i>The Personal Property Security Act, 1967, S.O.</i> 1967, c. 72
Report No. 3A on Personal Property Security Legislation	1966	<i>do.</i>
Report on The Evidence Act: Admissibility of Business Records	1966	<i>The Evidence Amendment Act, 1966, S.O. 1966, c. 51,</i> s. 1
Report on The Mechanics' Lien Act	1966	<i>The Mechanics' Lien Act,</i> 1968-69, S.O. 1968-69, c. 65
Supplementary Report on The Mechanics' Lien Act	1967	<i>do.</i>
Report on the Proposed Extension of Guarantor's Liability on Construction Bonds	1966	See <i>The Mechanics' Lien Amendment Act, 1975,</i> S.O. 1975, c. 43 <i>The Ministry of Transportation and Communications Creditors Payment Act,</i> 1975, S.O. 1975, c. 44 <i>The Public Works Creditors Payment Repeal Act, 1975, S.O.</i> 1975, c. 45
Report on The Execution Act: Exemption of Goods from Seizure	1966	<i>The Execution Amendment Act, 1967, S.O. 1967, c. 26</i>
Report on the Law of Condominium	1967	<i>The Condominium Act,</i> 1967, S.O. 1967, c. 13

Title	Date of Report	Original Legislation Concerning Commission Proposals
Report on the Basis for Compensation on Expropriation	1967	<i>The Expropriations Act, 1968-69, S.O. 1968-69, c. 36</i>
Report on the Limitation Period for Actions under The Sandwich, Windsor and Amherstburg Railway Act, 1930	1968	<i>The Sandwich Windsor and Amherstburg Railway Amendment Act, 1968, S.O. 1968, c. 120</i>
Report on Certain Aspects of the Proposed Divorce Legislation Contained in Bill C-187	1968	<i>Divorce Act, S.C. 1967-68, c. 24, s. 26</i>
Report on the Proposed Adoption in Ontario of The Uniform Wills Act	1968	<i>The Succession Law Reform Act, 1977, S.O. 1977, c. 40</i> See <i>The Registry Amendment Act, 1978, S.O. 1978, c. 8, s. 1</i>
Report on The Protection of Privacy in Ontario	1968	See <i>The Consumer Reporting Act, 1973, S.O. 1973, c. 97</i>
Report on Trade Sale of New Houses	1968	See <i>The Ontario New Home Warranties Plan Act, 1976, S.O. 1976, c. 52</i>
Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies	1968	<i>The Landlord and Tenant Amendment Act, 1968-69, S.O. 1968-69, c. 58</i>
Report on Limitation of Actions	1969	See <i>The Highway Traffic Amendment Act (No. 2), 1975, S.O. 1975, c. 37</i> <i>The Fatal Accidents Amendment Act, 1975, S.O. 1975, c. 38</i> <i>The Trustee Amendment Act, 1975, S.O. 1975, c. 39</i>
Report on the Age of Majority and Related Matters	1969	<i>The Age of Majority and Accountability Act, 1971, S.O. 1971, c. 98</i>
Report on the Status of Adopted Children	1969	<i>The Child Welfare Amendment Act, 1970, S.O. 1970, c. 96, s. 23</i>

Title	Date of Report	Original Legislation Concerning Commission Proposals
Report on Family Law, Part I: Torts	1969	<i>The Family Law Reform Act, 1978</i> , S.O. 1978, c. 2 (partial implementation)
Report on Section 20 of The Mortgages Act	1970	<i>The Mortgages Amendment Act, 1970</i> , S.O. 1970, c. 54, s. 1
Report on Family Law, Part II: Marriage	1970	<i>The Civil Rights Statute Law Amendment Act, 1971</i> , S.O. 1971, c. 50, s. 55 (partial implementation)
		<i>The Marriage Act, 1977</i> , S.O. 1977, c. 42
Report on Actions Against Representatives of Deceased Persons	1970	<i>The Trustee Amendment Act, 1971</i> , S.O. 1971, c. 32, s. 2
Report on the Coroner System in Ontario	1971	<i>The Coroners Act, 1972</i> , S.O. 1972, c. 98
Report on Sunday Observance Legislation	1971	<i>The Retail Business Holidays Act, 1975</i> , S.O. 1975 (2nd Session), c. 9
		<i>Courts of Justice Act, 1984</i> , S.O. 1984, c. 11, s. 134
Report on Land Registration	1971	See <i>The Corporations Tax Amendment Act (No. 2), 1979</i> , S.O. 1979, c. 89
		<i>Land Registration Reform Act, 1984</i> , S.O. 1984, c. 32
Report on The Change of Name Act	1971	<i>The Change of Name Amendment Act, 1972</i> , S.O. 1972, c. 44
		<i>Change of Name Act, 1986</i> , S.O. 1986, c. 7
Report on Development Control	1971	<i>The Planning Amendment Act, 1973</i> , S.O. 1973, c. 168, s. 10
Report on Powers of Attorney	1972	<i>The Powers of Attorney Act, 1979</i> , S.O. 1979, c. 107
		<i>Powers of Attorney Amendment Act, 1983</i> , S.O. 1983, c. 74

Title	Date of Report	Original Legislation Concerning Commission Proposals
		<i>Mental Health Amendment Act, 1983, c. 75</i>
Report on Occupiers' Liability	1972	<i>The Occupiers' Liability Act, 1980, S.O. 1980, c. 14</i>
Report on Review of Part IV of The Landlord and Tenant Act	1972	<i>The Landlord and Tenant Amendment Act, 1972, S.O. 1972, c. 123</i>
Report on the Non-Possessory Repairman's Lien	1972	<i>Repair and Storage Liens Act, 1989, S.O. 1989, c. 17 (partial implementation)</i>
Report on the Administration of Ontario Courts, Part I	1973	See <i>The Administration of Courts Project Act, 1975, S.O. 1975, c. 31</i>
		<i>The Judicature Amendment Act (No. 2), 1977, S.O. 1977, c. 51, s. 9</i>
		<i>Courts of Justice Act, 1984, S.O. 1984, c. 11, ss. 19 and 25</i>
Report on the Administration of Ontario Courts, Part II	1973	<i>Courts of Justice Act, 1984, S.O. 1984, c. 11, s. 162</i>
		See <i>The Administration of Courts Project Act, 1975, S.O. 1975, c. 31</i>
Report on Family Law, Part III: Children	1973	<i>The Child Welfare Amendment Act, 1975, S.O. 1975, c. 1 (partial implementation)</i>
		<i>The Succession Law Reform Act, 1977, S.O. 1977, c. 40 (partial implementation)</i>
		<i>The Children's Law Reform Act, 1977, S.O. 1977, c. 41 (partial implementation)</i>
		See <i>Children's Law Reform Amendment Act, 1982, S.O. 1982, c. 20</i>
Report on The Solicitors Act	1973	<i>Courts of Justice Act, 1984, S.O. 1984, c. 11, s. 214(6)</i>

Title	Date of Report	Original Legislation Concerning Commission Proposals
Report on the Administration of Ontario Courts, Part III	1973	<p><i>The Judicature Amendment Act, 1975, S.O. 1975, c. 30 (partial implementation)</i></p> <p>See <i>The Administration of Courts Project Act, 1975, S.O. 1975, c. 31</i></p> <p><i>The Small Claims Courts Amendment Act, 1977, S.O. 1977, c. 52 (partial implementation)</i></p>
Report on Family Law, Part IV: Family Property Law	1974	<p><i>The Succession Law Reform Act, 1977, S.O. 1977, c. 40 (partial implementation)</i></p> <p><i>The Family Law Reform Act, 1978, S.O. 1978, c. 2 (partial implementation)</i></p> <p><i>Family Law Act, 1986, S.O. 1986, c. 4 (partial implementation)</i></p> <p>See <i>The Land Titles Amendment Act, 1978, S.O. 1978, c. 7</i></p> <p><i>The Registry Amendment Act, 1978, S.O. 1978, c. 8</i></p>
Report on Family Law, Part V: Family Courts	1974	<p>See <i>The Unified Family Court Act, 1976, S.O. 1976, c. 85</i></p> <p><i>The Children's Probation Act, 1978, S.O. 1978, c. 41 (partial implementation)</i></p>
Report on the International Convention Providing a Uniform Law on the Form of the International Will	1974	<p><i>The Succession Law Reform Act, 1977, S.O. 1977, c. 40, s. 42</i></p>
Report on Family Law, Part VI: Support Obligations	1975	<p><i>The Succession Law Reform Act, 1977, S.O. 1977, c. 40 (partial implementation)</i></p>

Title	Date of Report	Original Legislation Concerning Commission Proposals
Report on Mortmain, Charitable Uses and Religious Institutions	1976	<i>The Family Law Reform Act, 1978, S.O. 1978, c. 2</i>
		<i>The Religious Organizations' Lands Act, 1979, S.O. 1979, c. 45</i>
		<i>The Anglican Church of Canada Act, 1979, S.O. 1979, c. 46</i>
		<i>The Registry Amendment Act, 1979, S.O. 1979, c. 94, s. 17</i>
		<i>Charities Accounting Amendment Act, 1982, S.O. 1982, c. 11</i>
Report on Landlord and Tenant Law	1976	<i>Mortmain and Charitable Uses Repeal Act, 1982, S.O. 1982, c. 12, s. 1(1)</i>
		<i>The Residential Tenancies Act, 1979, S.O. 1979, c. 78 (partial implementation)</i>
Report on Changes of Name	1976	<i>The Change of Name Amendment Act, 1978, S.O. 1978, c. 28</i>
Report on the Impact of Divorce on Existing Wills	1977	<i>The Vital Statistics Amendment Act, 1978, S.O. 1978, c. 81, s. 1 (partial implementation)</i>
		<i>Change of Name Act, 1986, S.O. 1986, c. 7 (partial implementation)</i>
		<i>Vital Statistics Amendment Act, 1986, S.O. 1986, c. 9 (partial implementation)</i>
		<i>The Succession Law Reform Act, 1977, S.O. 1977, c. 40, s. 17(2)</i>
		<i>Wages Amendment Act, 1983, S.O. 1983, c. 68 (partial implementation)</i>
Report on the Enforcement of Judgment Debts and Related Matters, Part II	1981	<i>Proceedings Against the Crown Amendment Act, 1983, S.O. 1983, c. 88</i>

Title	Date of Report	Original Legislation Concerning Commission Proposals
		<i>Courts of Justice Act, 1984</i> , S.O. 1984, c. 11, s. 177 (partial implementation)
		Rules of Civil Procedure, O. Reg. 560/84, r. 60 (partial implementation)
Report on the Enforcement of Judgment Debts and Related Matters, Part III	1981	Rules of Civil Procedure, O. Reg. 560/84, r. 60.07(16) and (17)
Report on the Enforcement of Judgment Debts and Related Matters, Part V	1983	<i>Creditors' Relief Amendment Act, 1985</i> , S.O. 1985, c. 1 (partial implementation)
Report on Compensation for Personal Injuries and Death	1987	<i>Courts of Justice Amendment Act, 1989</i> , S.O. 1989, c. 67 (partial implementation)

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APPENDIX C

ROUNDTABLE DISCUSSIONS OF THE ONTARIO LAW REFORM COMMISSION

In 1991, the Ontario Law Reform Commission inaugurated a series of Roundtable discussions to examine various issues in law and social policy reform. The purpose of these discussions is to foster debate on adapting Ontario's law and legal system to the challenges of contemporary social developments. To this end, people with expertise and experience in a variety of areas are brought together to explore and debate legal policy in Ontario. During the past year, the Commission held five Roundtable discussions, discussed below.

Streamlining the Civil Litigation Process

The Commission held its first Roundtable discussion on May 16, 1991. The discussion, which was based on a paper prepared by Alan Lenczner, Q.C., concerned methods of streamlining the civil litigation process. From both the paper and the discussion that followed, it was generally agreed that, under the present civil litigation process, cases take too long to get to trial, and are too expensive for most clients. As a result, a number of people have been, and are being, deprived of access to court. In addition to various specific recommendations, it was recommended that lawyers proceed within certain time periods, thus ensuring that most cases would reach trial within the times set by the process. This Roundtable discussion was attended by the following: Peter Atkinson; Professor Carl Baar; Thomas Bastedo; Sheila Block; Brian Bellmore; Paul Cavalluzzo; His Honour Judge James Chadwick; Linda Dranoff; Stephen Goudge, Q.C.; The Honourable Mr. Justice John Jennings; John I. Laskin; Alan Lenczner, Q.C.; Patty McQuigan; Anne Molloy; Eric Murray; Professor Kent Roach; Harriet Sachs; Sandra Simpson; James Spence; Harvey Strosberg, Q.C.; Gary Watson, Q.C.; and Janet Wilson.

Aspects of Law Reform

The Commission's second Roundtable discussion, focussing on aspects of law reform, was held on September 12, 1991, in honour of Madam Justice Bertha Wilson. It was argued that law can never be completely free from politics, and it was suggested that, although the Ontario Law Reform

Commission makes legal recommendations only, these recommendations can never be free of a socio-political context. The Roundtable explored the origins, implementation and function of legal reforms with a multi-disciplinary group of people. The following persons attended this Roundtable: Michael Adams; Professor Alfred W. Blumrosen; Professor Thomas Cowan; Robert Fulford; Anne Golden; Professor Donna Greschner; Professor Allan C. Hutchinson; Stien K. Lal; Professor Roderick A. Macdonald; The Honourable Flora MacDonald; Carlton A. Masters; Maureen O'Neil; The Honourable Melvin L. Rothman; Haroon Siddiqui; Helen Sinclair; Elaine Todres; and The Honourable Bertha Wilson.

Role of Legal Clinics

At a Roundtable discussion held on October 28, 1991, the role and functions of legal clinics were discussed in order to determine the future of legal clinics. It was generally recognized that legal clinics provide a useful service to the community, although their usefulness is diminished somewhat by their limited resources and by their heavy case-load. It was also generally agreed that all three types of clinic—those that provide a general case by case service, those that provide a specialized service on a case by case basis, and those that provide access to a variety of professional services—have their function and should continue to exist. But a consensus emerged that the most effective kind of legal clinic was one that was multi-service, and provided access to health, social work as well as legal services. This Roundtable discussion was attended by the following: Lenny Abramowicz; Robert Armstrong; Annie Bunting; Shelley Cuthbertson; Philip Epstein, Q.C.; Douglas J. Ewart; Cathy Fooks; The Honourable Mr. Justice S. Grange; Judith Keene; Joanna Kuras; Her Honour Judge Marion E. Lane; Donald C. MacDonald; Joan Milling; Rob Milling; Janet Mosher; Professor Joanne St. Lewis; James M. Spence, Q.C.; Andrea Walker; and Professor Fred Zemans.

Arts, Culture and the Constitution

The subject of the Roundtable discussion held on December 12, 1991, was the role of the arts and culture in the context of the Constitution. This discussion was about the importance of preserving and promoting the arts in Canada and what governmental arrangements could best achieve their diverse expansion. It was agreed that the best funding system would be one in which both the federal and provincial governments have the ability to provide funding, and in which all funding takes place in an arms-length environment. The following persons attended this Roundtable: Catherine

Allman; Garry Conway; Susan Crean; Professor Nathalie Des Rosiers; Robert Fulford; Michal Ben-Gera; Sheila Greenspan; Marion Hebb; Peter Herrndorf; Diane Leblanc; Trina McQueen; Charles Pachter; David Parsons; Professor Marilyn L. Pilkington; Tim Porteous; Angela Rebeiro; Gwen Setterfield; Cathy Smalley; Jini Stolk; John Terry; Dr. Ronald Watts; Professor Lorraine Weinrib; Professor John Weinzweig; and Joyce Zemans.

Implications of a Social Charter in a New Constitution

On January 30, 1992, the Commission held a Roundtable discussion to consider the implications of the entrenchment of a social charter in the Constitution. It was the general opinion of the participants that this issue arose primarily to ensure that the social structure of Canada survives. The participants discussed the form that a social charter should take, and whether it should be enforceable against the government, or merely a statement of principle. The following persons attended this discussion: Michal Ben-Gera; Professor David Cameron; Orville Endicott; Cathy Fooks; John Foster; Professor Rob Howse; Professor David Hulchanski; Professor Martha Jackman; Professor Jane Jenson; Brian Kelsey; Diane Mandell; Professor Errol Mendes; Penny Moss; Angelo Nikias; Bruce Porter; Judy Rebick; Barbara Rutherford; Professor Craig Scott; and John Terry.

APPENDIX D

JUDICIAL AND ACADEMIC REFERENCES TO REPORTS OF THE ONTARIO LAW REFORM COMMISSION*

Report No. 1 [The Rule Against Perpetuities] (1965)

Sutherland Estate v. Dyer (1991), 4 O.R. (3d) 168, 82 D.L.R. (4th) 432
Re Tilbury West Public School Board and Hastie, [1966] 2 O.R. 20

Report No. 1A: The Perpetuities Act, 1965 [Supplementary Report on the Rule Against Perpetuities]

Sutherland Estate v. Dyer (1991), 4 O.R. (3d) 168, 82 D.L.R. (4th) 432

Report No. 3 on Personal Property Security Legislation (1965)

Harvey Hubbell Canada Inc. v. Thornhurst Corp. (1989), 69 O.R. (2d) 53
Bank of Nova Scotia v. McIvor (1986), 57 O.R. (2d) 501

Report on The Mechanics' Lien Act (1966)

National Defence Credit Union Ltd. v. Labine, [1987] O.J. No. 1366
George Wimpey Canada Ltd. v. Peelton Hills Ltd. (1982), 35 O.R. (2d)
787, 132 D.L.R. (3d) 732
Otis Elevator Co. Ltd. v. Commonwealth Holiday Inns of Canada Ltd.
(1975), 8 O.R. (2d) 297, 57 D.L.R. (3d) 681

Supplementary Report on The Mechanics' Lien Act (1967)

George Wimpey Canada Ltd. v. Peelton Hills Ltd. (1982), 35 O.R. (2d)
787, 132 D.L.R. (3d) 732

* This is a non-exhaustive list of articles and cases in which the Commission's reports have been reviewed or cited.

Report on The Law of Condominium (1967)

Re 511666 Ontario Ltd. and Confederation Life Insurance Co. (1985), 50 O.R. (2d) 181
Frontenac Condominium Corp. No. 1 v. Joe Macciocchi & Sons Ltd. (1974), 3 O.R. (2d) 331, 45 D.L.R. (3d) 347
Re Lambert Island Ltd. and Attorney-General of Ontario, [1972] 2 O.R. 659, 26 D.L.R. (3d) 391

Report on the Basis for Compensation on Expropriation (1967)

Re City of Windsor and Larsen (1980), 29 O.R. (2d) 669, 114 D.L.R. (3d) 477
Re Laidlaw and Municipality of Metropolitan Toronto, [1978] 2 S.C.R. 736, 87 D.L.R. (3d) 161

Report on the Proposed Adoption in Ontario of The Uniform Wills Act (1968)

Re Nicholls (1987), 57 O.R. (2d) 763, 34 D.L.R. (4th) 321

Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies (1968)

Re Boyd and Earl & Jennie Lohn Ltd. (1984), 47 O.R. (2d) 111, 11 D.L.R. (4th) 265
Reference re Residential Tenancies Act (1980), 26 O.R. (2d) 609, 105 D.L.R. (3d) 193
Gaul v. King (1979), 33 N.S.R. (2d) 60

Report on Limitation of Actions (1969)

McEvoy, Case Comment on *Clark v. Naqvi* (1989), 99 N.B.R. (2d) 271, 250 A.P.R. 271, (1990), 104 N.B.R. (2d), 261 A.P.R. 237
Murphy v. Welsh (1991), 3 O.R. (3d) 182, 81 D.L.R. (4th) 475
Ontario Teachers' Pension Plan Board v. York University (1990), 74 O.R. (2d) 714, 72 D.L.R. (4th) 253
Lee v. Ontario (Minister of Transportation & Communications) (1990), 72 O.R. (2d) 343
Comite d'environnement de La Baie Inc. v. Societe d'electrolyse et de chimie Alcan Ltee. (1990), 29 Q.A.C. 251

Hart v. Hart (1990), 27 R.F.L. (3d) 419, [1990] O.J. No. 1498
West End Construction Ltd. v. Ontario Human Rights Commission (1989),
 62 D.L.R. (4th) 329, 70 O.R. (2d) 133
Alberta v. Buys (1989), 59 D.L.R. (4th) 677
Cementation Co. (Canada) v. American Home Assurance Co., [1989]
 B.C.J. No. 1048
Colangelo v. Mississauga (City) (1988), 66 O.R. (2d) 29
Radelja v. Canadian General Insurance Co. (1988), 29 C.C.L.I. 168
Bank of Nova Scotia v. Dunphy Leasing Enterprises Ltd. (1987), 38
 D.L.R. (4th) 575
Streng v. Township of Winchester (1986), 56 O.R. (2d) 649, 31 D.L.R.
 (4th) 734
Re West End Construction Ltd. and Ministry of Labour for Ontario
 (1986), 57 O.R. (2d) 391, 33 D.L.R. (4th) 285
C.C. Fraser Building Supplies Ltd. v. Ontario Hydro (1986), 55 O.R. (2d)
 32, 28 D.L.R. (4th) 557
Re Walker and Bostwick (1986), 34 D.L.R. (4th) 310
Public Trustee v. Mortimer (1985), 49 O.R. (2d) 741
Morley v. Wiggins (1985), 49 O.R. (2d) 136, 7 O.A.C. 324
Moffett v. Farnsworth (1984), 47 O.R. (2d) 620, 12 D.L.R. (4th) 101
Ranjoy Sales and Leasing Ltd. v. Deloitte, Haskins & Sells (1984), 31
 Man. R. (2d) 87, [1985] 2 W.W.R. 534
Schenck v. The Queen in right of Ontario; Rokeby v. The Queen in right
of Ontario (1983), 40 O.R. (2d) 410, 142 D.L.R. (3d) 261
Sydney Steel Corporation v. Al E. & C. Limited and Dresser Canada Inc.
 (1983), 58 N.S.R. (2d) 369, 123 A.P.R. 369
Central Trust Company v. Rafuse and Cordon (1983), 57 N.S.R. (2d)
 125, 147 D.L.R. (3d) 360
Morgan v. Superintendent of Winnipeg Remand Centre, [1983] 3 W.W.R.
 542
Duffin v. Mehagan; Lipton v. Mehagan (1982), 35 O.R. (2d) 563
Re Palermo Bakery Ltd. and Dominion of Canada General Insurance Co.
 (1976), 12 O.R. (2d) 50
Attorney-General for Ontario v. Watkins (1975), 8 O.R. (2d) 513, 58
 D.L.R. (3d) 260

Report on the Age of Majority and Related Matters (1969)

Eccles v. Van Duin (1978), 19 O.R. (2d) 37, 84 D.L.R. (3d) 406
Clark v. Clark, [1971] 1 O.R. 674, 16 D.L.R. (3d) 376
Wood v. Wood, [1971] 1 O.R. 731, 16 D.L.R. (3d) 497

Report on Family Law, Part I: Torts (1969)

Szarfer v. Chodos (1988), 66 O.R. (2d) 350
Frame v. Smith, [1987] 2 S.C.R. 99, 42 D.L.R. (4th) 81
Szarfer v. Chodos (1986), 54 O.R. (2d) 663, 27 D.L.R. (4th) 338
Schrenk v. Schrenk (1982), 36 O.R. (2d) 480
Hartwick v. MacIntyre (1982), 35 O.R. (2d) 119, 131 D.L.R. (3d) 333
Manning v. Howard (1976), 8 O.R. (2d) 728
Canestraro v. Larade, [1972] 3 O.R. 382, (1972), 28 D.L.R. (3d) 290

Report on Family Law, Part II: Marriage (1970)

S.(A.) v. S.(A.) (1988), 65 O.R. (2d) 720

Report on the Coroner System in Ontario (1971)

People First of Ontario v. Porter (1991), 5 O.R. (3d) 609, 85 D.L.R. (4th) 174
Kingston Penitentiary (Range Representative on Administrative Segregation) v. Regional Coroner (Eastern Ontario) (1989), 33 O.A.C. 241

Report on Sunday Observance Legislation (1971)

Coles Book Stores Ltd. v. The Queen in Right of Ontario, [1992] O.J. No. 124
Re Regional Municipality of Peel and Great Atlantic & Pacific Co. of Canada Ltd. (1990), 73 O.R. (2d) 289, 71 D.L.R. (4th) 293, rev'd (1991), 2 O.R. (3d) 65
R. v. Paul Magder Furs Ltd. (1989), 69 O.R. (2d) 172, 49 C.C.C. (3d) 267
The Queen v. Westfair Foods Ltd. (1989), 80 Sask. R. 33, 65 D.L.R. (4th) 56
Regina v. Rice (1989), 49 C.C.C. (3d) 1, 7 W.C.B. (2d) 120
R. v. Paul Magder Furs Ltd., [1988] O.J. No. 589
Re McFarland (1987), 60 O.R. (2d) 73, 39 D.L.R. (4th) 703
McKinney v. University of Guelph (1987), 63 O.R. (2d) 1, 46 D.L.R. (4th) 193
Edwards Books and Art Ltd. v. The Queen, [1986] 2 S.C.R. 713, 35 D.L.R. (4th) 1
Regina v. Morgentaler (1984), 47 O.R. (2d) 353
Regina v. Videoflicks Ltd. (1984), 48 O.R. (2d) 395, 58 O.R. (2d) 442n
Regina v. Magder (1983), 41 O.R. (2d) 281

R. v. Big M. Drug Mart Ltd., [1983] 4 W.W.R. 54, [1984] 1 W.W.R. 625, 49 A.R. 194

Report on Land Registration (1971)

Dominion Stores Ltd. v. United Trust Company, [1977] 2 S.C.R. 915, 71 D.L.R. (3d) 72

Report on The Mortgages Act, Section 16 (1971)

Potash v. Royal Trust Company, [1986] 2 S.C.R. 351, 31 D.L.R. (4th) 321

Turner v. Royal Trust Corporation of Canada, [1986] 2 W.W.R. 655

Potash v. Royal Trust Company (1984), 28 Man. R. (2d) 1, 8 D.L.R. (4th) 459

Report on Occupiers' Liability (1972)

Waldick v. Malcolm, [1991] 2 S.C.R. 456, 83 D.L.R. (4th) 114

Waldick v. Malcolm (1989), 70 O.R. (2d) 717, 63 D.L.R. (4th) 583

Colangelo v. Mississauga (City) (1988), 66 O.R. (2d), 53 D.L.R. (4th) 283

Waldick v. Malcolm (1987), 61 O.R. (2d) 624, 43 D.L.R. (4th) 693

Bartlett v. Weiche Apartments Ltd. (1975), 7 O.R. (2d) 263, 55 D.L.R. (3d) 44

Report on Review of Part IV of the Landlord and Tenant Act (1972)

Re Quann and Pajelle Investments Limited (1975), 7 O.R. (2d) 769

Re Pajelle Investments Ltd. and Booth (No. 2) (1975), 7 O.R. (2d) 229

Report on the Administration of Ontario Courts, Part I (1973)

R. v. Davies (1990), 56 C.C.C. (3d) 321, 10 W.C.B. (2d) 52

R. v. O'Donnell, [1988] O.J. No. 2425

Re MacBride and MacBride (1986), 58 O.R. (2d) 230, 35 D.L.R. (4th) 115

Reference re Justices of the Peace Act (1984), 48 O.R. (2d) 609

Report on the Administration of Ontario Courts, Part II (1973)

R. v. Luz, [1988] O.J. No. 1996

Report on Family Law, Part III: Children (1973)

R. v. Farbotnik (1987), 81 A.R. 224
Husband v. Husband (1987), 7 R.F.L. (3d) 380
Bagaric v. Juric (1984), 2 O.A.C. 35
R. v. Enkirch, [1983] 1 W.W.R. 530, 142 D.L.R. (3d) 490
Abbey v. Abbey (1977), 28 R.F.L. 222
Re Helmes (1977), 13 O.R. (2d) 4
Re Reid and Reid (1976), 11 O.R. (2d) 622

Report on Motor Vehicle Accident Compensation (1973)

Linden, "Faulty No-Fault: A Critique of the Ontario Law Reform
Commission Report on Motor Vehicle Accident Compensation"
(1975), 13 Osgoode Hall L. J. 449.

Report on Family Law, Part IV: Family Property Law (1974)

Bosch v. Bosch (1991), 6 O.R. (3d) 168, 84 D.L.R. (4th) 626
Rawluk v. Rawluk, [1990] 1 S.C.R. 70, 65 D.L.R. (4th) 161
Re McFarland (1987), 60 O.R. (2d) 73
Re Butt (1986), 53 O.R. (2d) 297
Clarke v. Clarke (1986), 173 A.P.R. 387, 72 N.S.R. (2d) 387, rev'd
(1990), 73 D.L.R. (4th) 1
Sagar v. Bradley (Marion) Estate (1984), 63 N.S.R. (2d) 386, 10 D.L.R.
(4th) 565

Report on Family Law, Part VI: Support Obligations (1975)

Grant-Hose v. Grant-Hose, [1991] O.J. No. 314
Buske v. Buske (1988), 63 O.R. (2d) 749
Rehn v. Rehn, [1988] O.J. No. 522
Harrington v. Harrington (1981), 33 O.R. (2d) 150, 123 D.L.R. (3d) 689

Report on Mortmain, Charitable Uses and Religious Institutions (1976)

Oosterhoff, Book Review of Ontario Law Reform Commission
Report on Mortmain, Charitable Uses and Religious Institutions
(1977), 27 U. Toronto L. J. 257

Palmer v. Marmon (1978), 32 O.R. (2d) 417

Report on Landlord and Tenant Law (1976)

General Leaseholds Ltd. v. 661255 Ontario Inc. (1990), 75 O.R. (2d) 224

Onuoha v. Credit Mountain Land Co., [1990] O.J. No. 769

Oromocto Motor Inn Ltd. v. Wilson (1985), 169 A.P.R. 173, 66 N.B.R. (2d) 173

Curtis Investments Ltd. v. Anderson (1981), 24 Man. R. (2d) 220

Reference re Residential Tenancies Act (1980), 26 O.R. (2d) 609, 105 D.L.R. (3d) 193

Beyer v. Absamco Developments Ltd. (1977), 12 O.R. (2d) 768

Report on the Law of Evidence (1976)

R. v. Gruenke, [1991] 3 S.C.R. 263, 67 C.C.C. (3d) 289

Re Church of Scientology and the Queen (No. 6) (1987), 31 C.C.C. (3d) 449, 18 O.A.C. 321

Re Del Core and Ontario College of Pharmacists (1985), 51 O.R. (2d) 1, 19 D.L.R. (4th) 68

Tecoglas, Inc. v. Domglas, Inc. (1985), 51 O.R. (2d) 196, 19 D.L.R. (4th) 738

R. v. Smith (1985), 8 O.A.C. 241

Q. v. Minto Management Ltd. (1984), 46 O.R. (2d) 756

R. v. Gratt (1983), 45 N.R. 451

Regina v. Samson, Brown, Scott, Wright, Wright, and Woodcock (No. 7) (1982), 37 O.R. (2d) 237

Regina v. Stewart (1981), 33 O.R. (2d) 1, 125 D.L.R. (3d) 576

R. v. Marchand (1980), 39 N.S.R. (2d) 700

Regina v. McMullen (1979), 25 O.R. (2d) 301, 100 D.L.R. (3d) 671

Algoma Central Railway v. Fraser (Herb) and Associates Ltd. (1988), 31 O.A.C. 287

Tiedmann v. Basiuk (1977), 5 A.R. 435

Report on Changes of Name (1976)

Re Forrest and Forrest (1986), 57 O.R. (2d) 124, 32 D.L.R. (4th) 473

Report on the Impact of Divorce on Existing Wills (1977)

Page Estate v. Sachs (1990), 72 O.R. (2d) 409

Tenth Annual Report 1976 (1977)

Naken v. General Motors of Canada Ltd. (1978), 21 O.R. (2d) 780, 92 D.L.R. (3d) 160

Report on Sale of Goods (1979)

Ziegel, "Reflections on the Ontario Proposals", in Ziegel (ed.), *Ninth Annual Workshop on Commercial and Consumer Law* (1981) 1.

Fridman, "The Ontario Law Reform Commission on Sale of Goods: *Quo Vadis?*", in Ziegel (ed.), *Ninth Annual Workshop on Commercial and Consumer Law* (1981) 53.

Sutton, "Ontario Law Reform Commission's Report on the Sale of Goods", in Ziegel (ed.), *Ninth Annual Workshop on Commercial and Consumer Law* (1981) 28.

Cuming, "The Ontario Law Reform Commission's Report on Sale of Goods – Background Considerations", in Ziegel (ed.), *Ninth Annual Workshop on Commercial and Consumer Law* (1981) 42.

Romero, "Buyer's Remedies and the O.L.R.C. Proposals", in Ziegel (ed.), *Ninth Annual Workshop on Commercial and Consumer Law* (1981) 169.

Rafferty, "The Buyer's Remedy of Rejection and the O.L.R.C. Proposals", in Ziegel (ed.), *Ninth Annual Workshop on Commercial and Consumer Law* (1981) 199.

Ramsay, Book Review of Ontario Law Reform Commission Report on Sale of Goods (1981), 58 Can. B. Rev. 780.

Keneric Tractor Sales Limited v. Langille (1985), 155 A.P.R. 404, 67 N.S.R. (2d) 404

Champlain Sept-Iles Express Inc. v. Metal Koting Continuous Color Coat Ltd. (1982), 38 O.R. (2d) 182

Report on Products Liability (1979)

Linden, Book Review of Ontario Law Reform Commission Report on Products Liability (1980), 5 Can. Bus. L. J. 92.

McEvoy v. Ford Motor Co., [1989] B.C.J. No. 1639

Report on the Enforcement of Judgment Debts and Related Matters, Part I (1981)

Mitchell v. Peguis Indian Band (1990), 71 D.L.R. (4th) 193, 5 W.W.R. 97

Dimovski v. Ontario (Support and Custody Enforcement, Director), [1988] O.J. No. 2462

Lennox Industries (Canada) Ltd. v. The Queen, [1987] 3 F.C. 338, 34 D.L.R. (4th) 297

Report on the Enforcement of Judgment Debts and Related Matters, Part II (1981)

Planet Earth Productions Inc. v. Rowlands (1990), 73 O.R. (2d) 505, 69 D.L.R. (4th) 715

Ontario (Support and Custody Enforcement, Director) v. Jones, [1988] O.J. 2461

Westcoast Commodities Inc. v. Chen (1986), 55 O.R. (2d) 264

Allen v. Morrison, [1986] O.J. No. 2040

Olah v. Royal Bank of Canada (1984), 27 Sask. R. 63

Martin v. Martin (1981), 33 O.R. (2d) 164, 123 D.L.R. (3d) 718

Report on the Enforcement of Judgment Debts and Related Matters, Part III (1981)

Zingone v. Zingone (1986), 53 O.R. (2d) 411, 25 D.L.R. (4th) 416

Report on Class Actions (1982)

Du Val, Book Review of Ontario Law Reform Commission Report on Class Actions (1983), 3 Windsor Y.B. Access Just. 411.

Cromwell, "An Examination of the Ontario Law Reform Commission Report on Class Actions" (1983), 15 Ottawa L. Rev. 587.

Comite d'Environnement de La Baie Inc. c. Societe d'Electrolyse et de Chimie Alcan Ltee. (1990), 29 Q.A.C. 251
Kennett v. Health Sciences Centre (1990), 66 Man. R. (2d) 298
Renegade Capital Corp. v. Hees International Bancorp Inc., [1990] O.J. No. 2186

**Report on the Enforcement of Judgment Debts and Related Matters,
Part IV (1983)**

Optical Recording Laboratories Inc. v. Digial Recording Corp. (1990),
1 O.R. (3d) 131, 75 D.L.R. (4th) 747

**Report on the Enforcement of Judgment Debts and Related Matters,
Part V (1983)**

Allen v. Morrison, [1986] O.J. No. 2040

Report on Powers of Entry (1983)

*Re Belgoma Transportation Ltd. and Director of Employment
Standards* (1985), 51 O.R. (2d) 509, 10 O.A.C. 11

Report on the Law of Trusts (1984)

Scane, "The Ontario Law Reform Commission's Draft Trustee Act:
its Implications for Investment for Successive Beneficiaries"
(1985), 7 Estates Q. 157.

Goodman, "Commentary on the Ontario Law Reform Commission
Report on the Law of Trusts" (1986), 8 Est. & Tr. Q. 1.

Smith, Book Review of Ontario Law Reform Commission Report on
the Law of Trusts (1985), 63 Can. B. Rev. 847.

Wagner v. Van Cleeff (1989), 70 O.R. (2d) 641, rev'd (1991), 5 O.R.
(3d) 477

Women's Christian Ass'n of Lindon v. McCormick Estate, [1989] O.J.
No. 1471

Re Zeidler and Campbell (1988), 53 D.L.R. (4th) 350, 1 W.W.R. 490

Report on Human Artificial Reproduction and Related Matters (1985)

- Harrison, Book Review of Ontario Law Reform Commission Report on Human Artificial Reproduction and Related Matters (1986), 1 C.J.W.L. 561.
- Andrews, Book Review of Ontario Law Reform Commission Report on Human Artificial Reproduction and Related Matters (1986), 6 Windsor Y.B. Access Just. 354.
- Coffey, "Of Father Born: a Lesbian Feminist Critique of the OLRC Recommendations on Artificial Insemination" (1986), 1 C.J.W.L. 424.

Report on Political Activity, Public Comment and Disclosure by Crown Employees (1986)

- Re Jones and Attorney-General for Ontario* (1988), 65 O.R. (2d) 737, 53 D.L.R. (4th) 273
- Re Ontario Public Service Employees Union and Attorney-General of Ontario* (1988), 65 O.R. (2d) 689, 52 D.L.R. (4th) 701
- Re Treasury Board (Employment & Immigration) and Quigley* (1987), 31 L.A.C. (3d) 156
- Lavigne v. Robern* (1986), 56 O.R. (2d) 385, 30 D.L.R. (4th) 756

Report on Amendment of the Law of Contract (1987)

- Manwaring, "O.L.R.C.: Report on Amendment of the Law of Contract" (1990), 22 Ottawa L. Rev. 245
- Ziegel, "The OLRC's Law of Contract Amendment Report: A Brief Introduction" (1988/89), 14 Can. Bus. L. J. 1.
- Jukier, "Flexibility and Certainty as Competing Contract Values: a Civil Lawyer's Reaction to the Ontario Law Reform Commission's Recommendations on Amendments to the Law of Contract" (1988/89), 14 Can. Bus. L. J. 13.
- Vaver, "Unconscionability: Panacea, Analgesic or Loose Can(n)on? A Critique of Certain Recommendations in the Ontario Law Reform Commission's Report on Amendment of the Law of Contract" (1988/89), 14 Can. Bus. L. J. 40.
- Trakman, "Porridge or Scrambled Eggs? Comments on, *Inter Alia*, Contracts That Infringe Public Policy in the OLRC Report on Amendment of the Law of Contract" (1988/89), 14 Can. Bus. L. J. 75.

Love's Realty & Financial Services Ltd. v. Coronet Trust (1989), 57 D.L.R. (4th) 606, 3 W.W.R. 623

Report on the Law of Mortgages (1987)

Collingwood Investments Ltd. v. Bank of America Canada Mortgage Corp. (1988), 50 D.L.R. (4th) 17, 58 Alta. L.R. (2d) 1

Report on Compensation for Personal Injuries and Death (1987)

Wenden v. Trikha, [1991] A.J. No. 612

Ratyck v. Bloomer, [1990] 1 S.C.R. 940, 69 D.L.R. (4th) 25

Perduk v. Hyslop, [1989] O.J. No. 1946

Giannone v. Weinberg (1989), 33 O.A.C. 11

Report on Contribution Among Wrongdoers and Contributory Negligence (1988)

McKay v. Sky-North Ltd., [1992] O.J. No. 4

Coopers & Lybrand Ltd. v. Jennings, [1991] B.C.J. No. 249

Study Paper on Wrongful Interference with Goods (1989)

Advanced Forestry Technology Inc. v. Knox, [1991] O.J. No. 2431

Report on the Law of Standing (1989)

Cromwell, Book Review of Ontario Law Reform Commission Report on the Law of Standing (1989), 9 Windsor Y.B. Access Just. 379.

Adler v. The Queen in Right of Ontario, [1992] O.J. No. 223

Corp. of Canadian Civil Liberties Ass'n v. Canada (Attorney General) (1990), 74 O.R. (2d) 609, 72 D.L.R. (4th) 742

Canadian Abortion Rights Action League Inc. (C.A.R.A.L.) v. Attorney-General of Nova Scotia (1990), 96 N.S.R. (2d) 284, 69 D.L.R. (4th) 241

Kennett v. Health Sciences Centre (1990), 66 Man. R. (2d) 298

United Parcel Service Canada Ltd. v. Ontario (Highway Transport Board), [1989] O.J. No. 1707

Report on Covenants Affecting Freehold Land (1989)

Ziff, Book Review of Ontario Law Reform Commission Report on Covenants Affecting Freehold Land (1990), 28 Alta L. Rev. 698.

Avlor Investments Ltd. v. J.K. Children's Wear Inc. (1991), 6 O.R. (3d) 225, 85 D.L.R. (4th) 239

Victoria University v. Heritage Properties Ltd. (1991), 4 O.R. (3d) 655

Report on The Liability of the Crown (1989)

Swanson v. The Queen in right of Canada (1991), 80 D.L.R. (4th) 741, 124 N.R. 218

Mitchell v. Peguis Indian Band (1990), 71 D.L.R. (4th) 193, 5 W.W.R. 97

Report on Damages for Environmental Harm (1990)

Brunnée, Book Review of Ontario Law Reform Commission Report on Damages for Environmental Harm (1991), 70 Can. B. Rev. 403.

Public Review Panel on Tanker Safety and Marine Spills Response Capability, *Final Report: Protecting Our Waters*. (Ottawa: Minister of Supply and Services, 1990), at 99.

Report on the Basis of Liability for Provincial Offences (1990)

Archibald, "Liability for Provincial Offences: Fault, Penalty and the Principles of Fundamental Justice in Canada (A Review of Law Reform Proposals From Ontario, Saskatchewan and Alberta)" (1991), 14 Dalhousie L.J. 65.

Roach, Book Review of Ontario Law Reform Commission Report on the Basis of Liability for Provincial Offences (1990), 69 Can. Bar Rev. 802.

R. v. Wholesale Travel Group Inc., [1991] 3 S.C.R. 154, 84 D.L.R. (4th) 161

Canadian Cable Television Ass'n v. American College Sports Collective of Canada Inc. (1991), 129 N.R. 296

R. v. Ellis Don Ltd. (1990), 1 O.R. (3d) 193

APPENDIX E

ONTARIO LAW REFORM COMMISSION ADVISORY BOARD

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APPENDIX F

GROUPS AND ORGANIZATIONS CONSULTED BY THE ONTARIO LAW REFORM COMMISSION

In its projects, the Ontario Law Reform Commission consults regularly with members of the Bench, the Bar, the academic community, provincial and federal government ministries and agencies, and various persons, organizations and governmental institutions in other jurisdictions. In addition to the foregoing, during 1991-92 the Commission consulted with a wide range of groups and organizations, including the following:

Addiction Research Foundation

Adjudication Services Limited

Advocacy Resource Centre for the Handicapped

AIDS Action Now!

The AIDS Committee of Ottawa

AIDS Committee of Toronto

Association of Local Official Health Agencies

Barb Butler & Associates

Canadian Auto Workers

Canadian Civil Liberties Association

Canadian Human Rights Commission

Canadian Labour Congress

Canadian Medical Association

Chief Coroner of New Brunswick

Chief Coroner of Ontario

Chief Medical Examiner of Alberta

Chief Medical Examiner of Manitoba

Educational Testing Services

Employment Equity Commissioner

Federal Centre for AIDS

Haemophilia Services

Hassle Free Clinic

Imperial Oil Limited
Information and Privacy Commissioner/Ontario
McGill Centre for Medicine, Ethics and Law
Ontario Hospital Association
Ontario Human Rights Commission
Ontario Medical Association
Pay Equity Commission
Pay Equity Hearings Tribunal
Privacy Commissioner of Canada
Quebec Human Rights Commission
Toronto-Dominion Bank

APPENDIX G
OFFICERS AND STAFF
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The past year has seen a number of significant changes in the staff of the Ontario Law Reform Commission. Departing from the Commission during the year were Melvin A. Springman, General Counsel and Director of Research; Judith A. Bellis, Counsel; Mordechai Ben-Dat, Counsel; Anne McGarrigle, Secretary and Administrative Officer; Beverley G. Woodley, Administrative Assistant; and Christopher Hughes, Librarian. The Commission wishes to express its appreciation to each of these individuals for their dedication and their contribution to the work of the Commission. The Commission wishes to record its particular appreciation to Mr. Springman for his many years of devoted service to the Commission.

